

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 285.

An Act in relation to the Ellsworth Municipal Court.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. The jurisdiction of said court is hereby established as follows: Said court shall have original jurisdiction; first, of all cases of forcible entry and detainer respecting estates in the county of Hancock; second, of all such criminal offenses and misdemeanors committed in the said county as are by law within the jurisdiction of trial justices; third, of all offenses against the ordinances and by-laws of either of the towns in said county, and in the prosecutions on any such ordinances or by-laws, or such by-law or ordinance need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute. Warrants may be issued by any trial justice in said county upon complaints for offenses committed in the city of Ellsworth, but all such warrants issued by any trial justice in said Ellsworth shall be made returnable before said court, and no trial justice in said Ellsworth shall have or take cognizance of offenses committed within said city of Ellsworth.

Original jurisdiction of court.

Section 2. Said court shall have original jurisdiction concurrent with trial justices in all such matters civil and criminal, within the county of Hancock, as are by law within the jurisdiction of trial justices within said county, and are not placed within the exclusive jurisdiction of said court by the preceding section.

Original jurisdiction concurrent with trial justices.

Section 3. Said court shall have original jurisdiction concurrent with the supreme judicial court as follows; first, of all civil actions wherein the debt or damages demanded, exclusive of costs, does not exceed one hundred dollars, in which any person summoned as trustee resides within the county of Hancock, or, if a corporation has an established place of business in said county of Hancock; or in which if such actions are not commenced by a trustee process, any defendant resides in said county, or, if no defendant resides within the limits of this state, any defendant is served with process in said county, or the goods, estate, or effects of any defendant are found within said county and attached on the original writ; but no proceedings under the laws relating to divorce shall be included within the jurisdiction of said court; second, of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes; of all larcenies described in sections one, six, seven, nine and eleven of chapter one hundred and twenty of the revised statutes, when the value of the property is not alleged to exceed thirty dollars; of the offense described in section

Original jurisdiction concurrent with supreme judicial court

CHAP. 285

twenty-one of chapter one hundred and twenty-two of the revised statutes; of all offenses described in sections one and four of chapter one hundred and twenty-three of the revised statutes; of all offenses described in section six and in sections twenty-nine to forty-five, inclusive, of chapter one hundred and twenty-four of the revised statutes; of the offense described in section five of chapter one hundred and twenty-five of the revised statutes; of all offenses described in section one of chapter one hundred and twenty-six of the revised statutes, when the value of the property or thing alleged to have been fraudulently obtained, sold, mortgaged or pledged, is not alleged to exceed thirty dollars; and of all offenses described in sections two, nine, sixteen, seventeen and twenty-one of chapter one hundred and twenty-seven of the revised statutes, when the value of the property destroyed or injury done is not alleged to exceed thirty dollars, and all amendments thereto; and may punish for either of said crimes or offenses by fine not exceeding fifty dollars, and by imprisonment not exceeding three months, provided, that when the offenses described in section twenty-eight of chapter one hundred and eighteen, section twenty-one of chapter one hundred and twenty-two, and sections one and four of chapter one hundred and twenty-three, are of a high and aggravated nature, the judge of said court may cause persons charged of such offenses, to recognize with sufficient sureties to appear before the supreme judicial court, and in default thereof commit them; third, of all other crimes, offenses and misdemeanors committed in said county which are by law punishable by fine not exceeding fifty dollars, and by imprisonment not exceeding three months, and are not within the exclusive jurisdiction of some other municipal or police court.

No jurisdiction in civil actions when title to real estate is in question, etc.

Section 4. Said court shall not have jurisdiction in any civil action wherein the title of real estate, according to the pleading or brief statement filed therein by either party, is in question; and all such actions brought in said court shall be removed to the supreme judicial court, or otherwise disposed of as in like cases before a trial justice; provided, that nothing herein contained, shall prevent said court from proceeding in accordance with the provisions of sections six and seven of chapter ninety-four of the revised statutes; neither shall said court have jurisdiction under the divorce laws, complaints under the mill act, so called, nor proceedings under the bastardy act, and the judge of said court shall not act in the capacity of a disclosure commissioner.

Terms for transaction

Section 5. Said court shall hold a term for the transaction of civil business at Ellsworth on the first Tuesday of each month beginning at ten o'clock in the forenoon, and shall remain in

CHAP. 285

session for four days; but said term may be continued or adjourned for such time, or to such day as may be ordered by the judge; said court shall be considered constantly in session for the transaction of criminal business.

of civil business, when held.

In case of the absence of the judge from the court room or of his inability to attend to the business of the court by reason of relationship, interest or other disability, or in case of his death, all the powers of the judge may be exercised by the recorder whose acts and proceedings shall be as valid and effectual as if performed by the judge, and said recorder shall continue to perform the duties of said judge until his return, or until such disability is removed, or until his successor is appointed and qualified.

—recorder may act in absence of judge.

Section 6. All original processes, both civil and criminal, issuing from said court shall be under teste of the judge, and signed by the recorder or by the judge, and shall have the seal of said court affixed.

Form of original processes.

Section 7. The recorder of said court shall receive as compensation a salary of four hundred dollars per year to be paid quarterly from the treasury of the county of Hancock, and in addition thereto he shall receive fees in all civil cases.

Salary of recorder.

Section 8. Said municipal court may render judgment, issue execution, punish for contempt and compel attendance as in the supreme judicial court; make all such rules and regulations not repugnant to law as may be necessary and proper for the prompt administration of justice, and is clothed with all such lawful power as is necessary for the performance of its duties under this act, or any prior act in relation to said court not hereby repealed.

Powers of municipal court.

Section 9. All fees, fines and costs in criminal actions in said court shall be paid to the recorder, and he shall keep a correct account thereof, and shall annually on the first day of January make a detailed statement thereof, and pay the same to the county treasurer.

Fees, fines and costs in criminal actions.

Said recorder shall keep two dockets in which shall be entered respectively all proceedings in criminal and civil matters, and the entries therein shall include the names of the parties, their counsel and notes of all motions, judgments or other proceedings in the cases, including rendition of judgment and the issuing of execution; and it shall not be necessary to further extend, or otherwise record any of such proceedings, and such docket entries shall be legal evidence as records in the courts of this state.

—recorder shall keep two dockets.

Section 10. All prior acts or parts of acts inconsistent with this act, are hereby repealed.

Section 11. This act shall take effect when approved.